

REMARKS

Reconsideration of this application, based on this amendment and these following remarks, is respectfully requested.

Claims 18 through 62 are now in this case. Claims 1 through 17 are canceled. Claims 18 through 62 are added.

An Application Data Sheet, including the required information regarding the domestic priority information, is enclosed; no amendment to the specification in this regard is therefore presented.¹

The specification is amended to update the status of the patent applications to which reference is made on page 1 of the specification.

Claims 18 through 62 are added to more completely cover all aspects of the invention. It is submitted that no new matter is introduced by these claims. Consideration of these claims in this application is respectfully requested.

Applicants wish to bring the items of information listed on the enclosed PTO/SB/08 to the attention of the Patent and Trademark Office relative to this application. Because this information is submitted with the filing of this continuation application, Applicants submit that the submission of this information is timely.²

Copies of those items of information that were only recently submitted in the parent application S.N. 10/074,092³ are enclosed, for the convenience of the Patent and Trademark Office. Copies of those items that were previously submitted in parent application S.N.

¹ 37 C.F.R. §1.76(b)(5); 37 C.F.R. §1.78(a)(2).

² 37 C.F.R. §1.97(a).

³ But in which these items were recently submitted, on January 2, 2004.

10/074,092 are not enclosed.⁴ All of the newly-submitted items are in the English language, and as such no additional statement of their relevance is provided.⁵

By citing these items of information, Applicants do not admit that any of this information is, or is considered to be, material to the patentability of any of the claims of this application.⁶

Further, in the spirit of completely and fully complying with the duty of candor and good faith in this application, and completely and fully serving the public interest by ensuring that the Patent and Trademark Office is fully aware of and can evaluate the teachings of all information material to patentability of the claims in this application, Applicants submit the following documents, which are listed on the enclosed PTO/SB/08b, and which were brought to the attention of the assignee of this application by one or more parties, relative to one or more patents through which this application claims priority:

Cioffi et al., "Modification to DMT Synchronization Pattern Insertion", Submission T1E1.4/93-089 to the T1E1.4 Working Group of Committee T1, sponsored by the Alliance for Telecommunications Information Solutions and accredited by the American National Standards Institute (April 15, 1993).

Chow⁷, "Recommended Reveille Sequence for DMT ADSL", Submission T1E1.4/93-114 to the T1E1.4 Working Group of Committee T1, sponsored by the Alliance for Telecommunications Information Solutions and accredited by the American National Standards Institute (May 10, 1993).

Bingham, "Proposed Standard: Sections 6.6 - 6.10 & 7.6 - 7.10 Encoders, Modulators, Cyclic Prefices, DACs, and Anti-aliasing Filters", Submission T1E1.4/93-120 to the T1E1.4 Working Group of Committee T1, sponsored by the Alliance for Telecommunications Information Solutions and accredited by the American National Standards Institute (May 10, 1993).

These documents each bear a date that is earlier than one year before the priority date of this application. It has been alleged, by those parties, that these documents are all printed

⁴ 37 C.F.R. §1.98(d).

⁵ 37 C.F.R. §1.98(a(3)(i).

⁶ 37 C.F.R. §1.97(h).

⁷ Jacky T. Chow, one of the inventors of this patent, is the author of this document.

publications (presumably as of the indicated dates), and thus prior art against those patents, and therefore this application, under §102(b).

Other documents discovered by the assignee of this application, and that are listed on the enclosed PTO/SB/08b, include:

Cioffi et al., "DMT Specification Overview for ADSL", Submission T1E1.4/93-083 to the T1E1.4 Working Group of Committee T1, sponsored by the Alliance for Telecommunications Information Solutions and accredited by the American National Standards Institute (April 15, 1993).

Cioffi et al.⁸, "Detailed DMT Transmitter Description for ADSL", Submission T1E1.4/93-084 to the T1E1.4 Working Group of Committee T1, sponsored by the Alliance for Telecommunications Information Solutions and accredited by the American National Standards Institute (April 15, 1993).

Chow et al.⁹, "Recommended Reverberation Training Sequence - Revision 1", Submission T1E1.4/93-086-R1¹⁰ to the T1E1.4 Working Group of Committee T1, sponsored by the Alliance for Telecommunications Information Solutions and accredited by the American National Standards Institute (May 10, 1993).

Cioffi et al.¹¹, "Recommended Training Sequence for SNR Computation with DMT ADSL", Submission T1E1.4/93-087 to the T1E1.4 Working Group of Committee T1, sponsored by the Alliance for Telecommunications Information Solutions and accredited by the American National Standards Institute (May 10, 1993).

These documents also each bear a date that is earlier than one year before the priority date of this application.

On information and belief, each of these documents correspond to submissions that were mentioned in later-prepared minutes of one or more corresponding meetings of the T1E1.4 Working Group of Committee T1, sponsored by the Alliance for Telecommunications Information Solutions and accredited by the American National Standards Institute (the

⁸ Inventors Aslanis and Chow are co-authors of this document.

⁹ Inventor Chow is a co-author of this document.

¹⁰ It is believed that the "R1" designation refers to a first revision of a previous submission having the same number (e.g., T1E1.4/93-086).

¹¹ Inventor Chow is a co-author of this document.

"Working Group")¹². On information and belief, according to the usual practice of the T1E1.4 Working Group during the time period relevant to the submitted T1E1.4 documents, papers¹³ in support of submissions to the Working Group were generally made available to the attendees of Working Group meetings, typically by placing copies of the papers on a table at the meetings. On information and belief, in at least more than one of the Working Group meetings, not all papers in support of submissions were in fact available. On information and belief, according to the usual practice of the T1E1.4 Working Group during the time period relevant to the submitted T1E1.4 documents, oral presentations of submissions to the Working Group were made in the Working Group meetings to which the submissions were submitted. After recent investigation, however, the assignee of this application cannot determine with certainty whether copies of any of these specific documents were provided or made available to the attendees of the Working Group meetings to which these submissions were made, and cannot determine with certainty whether an oral presentation of the subject matter of any of these submissions was made in those meetings.

Certain patents¹⁴ through which this application claims priority are currently involved in litigation in the United States District Court in the District of New Jersey, in a case styled *GlobespanVirata v. Texas Instruments Inc. et al.*, No. 03-2854 (GEB). A copy of the complaint in that case is enclosed. In that litigation, the plaintiff GlobespanVirata has claimed that two of these patents are unenforceable due to inequitable conduct because of the failure of the assignee of those patents (and this application) to disclose the T1E1.4/93-120 document¹⁵ to the Patent and Trademark Office in the prosecution of those patents.

In addition, another party has asserted that two of the patents through which this application claims priority are unenforceable due to inequitable conduct because of the failure

¹² "T1E1.4 Interim Meeting Report: April 15 and 16, 1993", Document T1E1.4/93-103B, pp. 3 and 5; "T1E1.4 Interim Meeting Report: May 10-14, 1993", Document T1E1.4/93-103B, pp. 10 through 12 (copies enclosed).

¹³ Such as the submitted T1E1.4 documents.

¹⁴ U.S. Patent No. 5,627,863; U.S. Patent No. 5,901,180; U.S. Patent No. 6,359,933.

¹⁵ Mentioned above.

of the assignee of those patents (and this application) to disclose the T1E1.4/93-089 document¹⁶ to the Patent and Trademark Office in the prosecution of those patents.

Applicants assert that no deceptive intent on the part of the assignees, inventors, agents, or attorneys existed at any time during the prosecution of this application or the patents through which this application claims priority, with respect to disclosure of the T1E1.4/93-120 document, the T1E1.4/93-089 document, or any of the T1E1.4 documents submitted in this disclosure.

Reexamination of U.S. Patent No. 5,901,180, through which this application claims priority, has been requested.

Consideration of this information in this application is respectfully requested.

Applicants respectfully submit that all claims in this case are in condition for allowance. Favorable consideration of this application is therefore respectfully requested.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read 'Rodney M. Anderson', is written over a horizontal line.

Rodney M. Anderson

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¹⁶ Mentioned above.